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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/014,803	Applicant(s) BEDARD ET AL. KB	
	Examiner Ms. Lee S. Lum	Art Unit 3611	

-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,23-26 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,23-26 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Amendment was filed 2/12/04 in which Claim 4 was also cancelled, and Claims 31-36 added.

2. Claims 23-26 have also been examined, as provided below, in addition to the examination of Claims 1-10, because of dependency on Claim 1.

3. The disclosure is objected to because of the following issues:

In the Drawings

The following elements are not identified:

in Claim 1 – turntable,

in Claim 23 – windshield support, support plate.

No new matter is allowed.

In the Claims

In Claim 31, line 14, "structured" is a misspelling.

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4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 and 23-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claim 1, the amendment "turntable" cannot be identified in the Spec (nor drawings), and may constitute new matter.

In Claim 23, the recited elements, "windshield support" and "support plate", nor their particular functions, cannot be identified in the Spec. As best understood, on p 10, "mounting members 44, 46" and "windshield support members 48, 50" are described, however, it is unclear if either/both these elements are, in fact, the recited elements.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the amendment "turntable" cannot be identified in the Spec nor drawings, and may constitute new matter. The element also lacks antecedent basis.

In Claim 23, the recited elements, "windshield support" and "support plate", nor their respective functions, cannot be identified in the Spec or drawings (see previous paragraphs).

In Claim 25, "adjustable bolt receiving hole", and in Claim 26, "locking member", lacks antecedent basis.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6A. As best understood, **Claims 1, 6, 23, 24, 31 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora 3819226 in view of Vetter 4087110.

Re **Claims 1 and 6**, Sykora discloses a snowmobile comprising
Chassis, motor, endless track, at least one ski connected to steering mechanism (all obvious),

Support frame (unidentified, inherent) mounted to the steering mechanism, and a turntable, as best understood,

Windshield 12 comprising a transparent material (inherent), detachably mounted to the support frame via at least one locking structure (figs 4 and 5).

The reference does not disclose the support frame having at least two spaced-apart members which detachably mount the windshield, while Vetter shows this configuration with
Spaced-apart frame members 122 (fig 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Vetter, to provide increased structural support for the windshield, and so withstanding environmental and travel conditions borne by the windshield. This feature increases safety and comfort of the user.

As best understood, re **Claims 23 and 24**, Sykora does not disclose the support frame as including a windshield support, nor support plate. As best understood, Vetter shows these components in fig 11, with windshield support 52, and support plate 118. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include these features, as shown in Vetter, to ensure a secure connection for the windshield.

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Re **Claims 2 and 31**, Sykora does not disclose a locking member, nor locking-member receiver. Vetter shows these elements in fig 11, with

Locking member 160 with shaft 160 connected at a first end of the snowmobile/vehicle, and enlarged portion 164 at a second end, and,

Locking-member receiver 118 associated with the snowmobile/vehicle that releasably engages the locking member upon application of a predetermined force (i.e., torque on enlarged portion/nut 164),

Wherein engagement of these two elements detachable connects the windshield to the snowmobile/vehicle.

Re **Claim 34**, Sykora discloses the windshield as comprising at least one of the recited materials, as disclosed in col 1, lines 48-49; "flexible, resilient plastic".

6B. **Claims 8 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sykora in view of Vetter, and in further view of Risley 5832786.

The previous references do not disclose hand-protecting members, while Risley shows these elements attached to the steering mechanism (i.e., handlebars). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this components, as shown in Risley, to protect the user's hands from environmental and travel conditions, thus increase safety and comfort.

7. **Claims 3, 5, 7, 9, 25, 26, 32, 33 and 35** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and upon resolution of any 112 issues.

Prior art does not disclose a snowmobile comprising, *inter alia*, a plurality of locking members, nor locking-member receivers, the latter comprising deformable material to permit enlarged portions of the locking members to pass. Nor does prior art disclose the vehicle as including a pair of hand-protecting members attached to either side of the windshield.

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8. RESPONSE TO REMARKS

Examiner maintains relevant art rejections to Claims 1-9, and to respective ones of Claims 23-26 and 31-36. Applicant is asked to note 112 issues, and allowable subject matter.

9. The prior art made of record, and not relied upon, is pertinent to the Applicant's disclosure: Boyer 5129473, Aoshima 5152365 – both provided on the IDS filed 2/12/04, but the IDS cannot be located.

10. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9 am-6 pm, M-F. Our fax number is 703 872-9306. Any inquiry of a general nature, or relating to the status of this application/proceeding should be directed to Customer Assistance at (703) 306-5771.



LESLEY D. MORRIS
PROVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Ms. Lee S. Lum
Examiner
4/27/04

